

Article IV. Department of Education

Sec. 4.01. Superintending school committee.

- (1) Composition. There shall be a superintending school committee, hereinafter referred to as the school committee, composed of 7 members elected at large by the qualified voters of the town.
- (2) Eligibility. Only qualified voters who at all times during their term of office shall be and remain residents of the town, shall be eligible to hold the office of school committee member. (Amended by vote of the people 10-4-94)

Sec. 4.02. Election and term.

The regular election of school committee members shall be held each year in the manner provided in Article X.

The terms of school committee members in office on the date of the adoption of this amendment shall not be affected by this amendment. Each member shall be elected for a term of 3 years and shall serve until the member's successor is elected and qualified, except that, at the first regular election after adoption of this charter amendment, 3 member positions shall be up for election representing the expiring 3 year term of 1 of the existing members and the 2 additional member positions created pursuant to Sec. 4.01(1). The 3 members-elect receiving the largest number of votes shall serve until the regular election and qualification of school committee members in 1998. In case any candidates receive an equal number of votes, their relative position within the elected terms shall be determined by lot. If the determination by lots would result in one of the tied candidates being denied elective office, a special election shall be held to resolve the tie vote. (Amended by vote of the people 10-4-94)

Sec. 4.02-A. Recall.

- (1) Applicability. A member of the school committee may be recalled and removed from office by the qualified voters of the Town as hereinafter provided. (Added by vote of the people 6-11-02)
- (2) Petition by voters. On the written petition of a number of voters equal to at least 15% of the number of qualified voters registered at the time of the most recent municipal general election, the town council shall, by order, provide for a special recall election as hereinafter provided. (Added by vote of the people 6-11-02)
- (3) Petition procedure; procedure after filing. Petition procedures shall be those set forth in 30-A, MRSA, Sec. 2102, subsections 3 and 4, or any successor statute, except:
 - (a) The required wording in subsection 3.B.(1) shall be as follows:

“Town of Kittery”

“Each of the undersigned voters respectfully requests the town council to provide for a special election on the question of recalling and removal of (insert name and address) from the office of school committee” (Added by vote of the people 6-11-02)

- (b) This required wording is to be followed by a statement of the reasons(s) why recall and removal is sought. (Added by vote of the people 6-11-02)
 - (c) Any notice required to be furnished to the petitioners' committee must also be given the committee member whose recall is sought, by the same means and in the same time frame. (Added by vote of the people 6-11-02)
- (4) Calling of election. Within 20 days of receiving the clerk's certificate of sufficiency, or of the town council's determination of sufficiency, the council shall, by order, call for a special election on the re-

call question, such election to be held not earlier than 45 days nor later than 60 days after the order.
(Added by vote of the people 6-11-02)

- (5) Form of ballot. The question submitted to the voters shall be in substance as follows:

“Do you favor recalling and removing (name and address)
from the office of school committee?” YES NO

(Added by vote of the people 6-11-02)

- (6) Count of ballot. For any committee member to be recalled and removed from office, both the following criteria must be satisfied:

(a) The majority of valid votes must favor recall and removal.

(b) The total number of valid votes cast must equal or exceed 40% of the number of voters registered at the time of the most recent municipal general election. (Added by vote of the people 6-11-02)

- (7) Limitation on recall. During the first 6 months of any term, no committee member shall be subject to a recall election nor shall a committee member be subject to more than 2 recall elections in any term.

(Added by vote of the people 6-11-02)

Sec. 4.03. Compensation; expenses.

School committee members shall each be entitled to receive \$20.00 per regular and/or special meeting attended as compensation for their services and the committee may provide in its budget for actual and necessary expenses. Such compensation may be changed by ordinance but no ordinance increasing the compensation shall become effective until the date of commencement of the terms of school committee members elected at the next regular election, provided that such election shall follow the adoption of such ordinance by at least 6 months. (Ord. No. 1-74, 3-11-74; amended by vote of the people 10-4-94; amended by vote of the people 6-11-02)

Sec. 4.04. Chairperson.

- (1) Election. At its first meeting or as soon thereafter as practicable, the school committee shall elect, by majority vote of the entire seven-member committee, one of its members to serve as chairperson for the ensuing year.
- (2) Vacancy. The school committee shall fill any vacancy that may occur in the office of chairperson, from among its members, for the unexpired term by a majority vote of the committee. In the temporary absence or disability of the chairperson, the committee may elect, from among its members, a chairperson pro tempore who shall exercise all the powers of the chairperson during such temporary absence or disability of the chairperson.
- (3) Duties. The chairperson shall preside at meetings of the school committee. The chairperson shall be entitled to vote on school committee matters and that vote shall be counted as a vote of the other members of the committee. (Amended by vote of the people 10-4-94)

Sec. 4.05. General powers and duties.

The school committee shall have all the powers conferred by law and shall perform all the duties imposed by law upon school committees in regard to the care and management of the public schools of the town.

The school committee shall provide for the method of preparing and submitting the annual school budget in detail to the town manager at least 90 days before the beginning of the fiscal year. It shall also submit a complete list of estimated receipts not less than 50 days before the beginning of the fiscal year. As an exception to this rule

submission of estimated receipts may be deferred to a later date which may have been mandated for that year by the state legislature or the state board of education. (Ord. No. 14-77, 10-4-77)

Sec. 4.06. Induction of school committee into office.

At the next regular meeting following the day of election, or as soon thereafter as practicable, all committee members-elect shall be sworn to the faithful discharge of their duties by the town clerk or by any other person authorized to administer an oath. (Amended by vote of the people 10-4-94)

Sec. 4.07. Judge of qualifications.

The school committee shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office as set forth in section 4.10, subsection 2, and for that purpose shall have the power to subpoena witnesses as provided in section 12.03, administer oaths and require the production of evidence. A school committee member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the school committee under this section shall be subject to review by the Superior Court. (Amended by vote of the people 10-4-94)

Sec. 4.08. Procedure.

- (1) Meetings. The school committee shall meet regularly at least once in every month at such times and places as the school committee may prescribe by rule. Special meetings may be held on the call of the chairman or of 3 or more members and, whenever practicable, upon no less than 12 hours' notice to each member as defined by the rules adopted under this section, subsection 2. All meetings shall be public. However, the committee may recess for the purpose of discussing in a closed or executive session, limited to its own membership and the school superintendent or qualified officers and advisors concerned with the matter to be discussed, any matter which qualifies under State statute, provided the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the committee until the matter is placed on the agenda.
- (2) Rules and journal. The school committee shall adopt its own rules and order of business; shall provide for the manner of giving notice of special meetings to its members and to the public; and of keeping a journal of its proceedings. This journal shall be a public record.
- (3) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the school committee shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the school committee. At least 12 hours' notice of the time and place of holding such adjourned meeting shall be given all members who were not present at the meeting from which adjournment was taken. No action of the school committee, except as otherwise provided in the second sentence of this subsection and in section 4.10 shall be valid or binding unless adopted by the affirmative vote of 4 or more members of the committee. (Amended by vote of the people 10-4-94)

Sec. 4.09. Prohibitions.

Except where authorized by law, no school committee member shall hold any other office or employment with the school department or in a town department during the term for which he/she was elected to the school committee, and no former school committee member shall hold any compensated appointive town or school of-

office or employment until one year after the expiration of the term for which he/she was elected to the school committee.

Sec. 4.10. Vacancies; forfeiture of office; filling of vacancies.

- (1) Vacancies. A vacancy in the office of a school committee member shall occur by one or more of the following means:
 - (a) Nonacceptance;
 - (b) Resignation;
 - (c) Death;
 - (d) Failure to qualify for office within 10 days after written demand by the municipal officers;
 - (e) Failure of the municipality to elect a person to office;
 - (f) Forfeiture of office;
 - (g) Recall and removal; or
 - (h) Any other manner authorized by law or this charter.
- (2) Forfeiture of office. A school committee member shall forfeit office if the committee member:
 - (a) Lacks any qualification for the office prescribed by this charter or by law,
 - (b) Violates any express prohibition of this charter,
 - (c) Is convicted of a crime involving moral turpitude, or
 - (d) Fails to attend 3 consecutive regular meetings of the school committee without being excused by the school committee.
- (3) Filling of vacancies. If for any reason a vacancy shall exist in the membership of the school committee more than 6 months prior to the regular municipal election, the vacancy shall be filled by a special election for the unexpired portion of the term. In the event such vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy may be filled for the unexpired portion of the term by a special election to be called by the municipal officers. Any such special elections shall be conducted in accordance with the provisions of Article X. (Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02)